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Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: October 27, 2009

Name of Appellant: Richard Cohen

Service Address: Mark Rie., Esq
Friedman & Atherton LLP
Exchange Place, 53 State St.
Boston, MA. 02633

In reference to: 324 Shore Road
Chatham, MA. 02633

Docket Number: 09-773

Property Address: 324 Shore Road
Chatham, MA. 02633

Date of Hearing: 08-25-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-773

Appellant(s): Richard Cohen
represented by Friedman & Atherton LLP

vs.

Appellee(s): City/Town of Chatham
Kevin McDonald

Procedural History

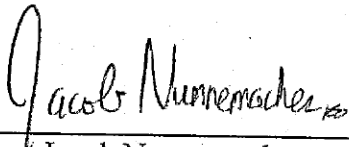
This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance from 780 CMR for Failure to Act, for 324 Shore Road, Chatham, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on August 25, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Michael Morizio and Joel Kozol appeared and testified on behalf of the appellant. Bruce Gilmore, town counsel for Chatham, appeared and testified as well.

Discussion

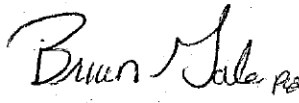
After testimony and discussion of exhibits, a motion was made to grant the Appellant's request for a variance to 780 CMR for Failure to Act, with the following conditions: The Building Official will issue a temporary certificate of occupancy that will expire 90 days from the date that the homeowner files an appeal with the Zoning Board. There was a second on the motion and a board vote was taken, which resulted in a vote of 2-1, with Jacob Nunnemacher voting against the motion.

Conclusion


The Appellant's request for a variance to the 780 CMR for Failure to Act, is hereby **granted** as described in the discussion above and so ordered² on this date: August 25, 2009.



Jacob Nunnemacher



Brian Gale



Sandy MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.